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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,195	08/31/1999	VICKI ST. JOHN	AND1P096	2303

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/387,195

Applicant(s)

ST. JOHN, VICKI

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Upparulu (US Patent No. 5,915,001) in view of Talmor (US Patent No. 5,913,196).

3. As per claim 1, Upparulu disclose a method for recognizing voice commands for manipulating data on the Internet, (col. 4, lines 37-51) comprising the steps of

providing data on a website on the Internet, (Fig. 1, element 101 "Internet");

receiving voice signals from a user accessing the website, (col. 4, line 37 continuing to col. 5, line 2; col. 7, line 5 continuing to col. 9, line 2);

interpreting the voice signals of the user for determining navigational command, (col. 4, line 37 continuing to col. 5, line 2; col. 7, line 5 continuing to col. 9, line 2);

outputting selected data of the website based on the navigational commands, (see Fig. 1, element 102 "Voice Web Site" and element 106 "Voice Web Browser"; col. 4, line 37 continuing to col. 5, line 2; col. 7, line 5 continuing to col. 9, line 2);

Upparulu teaches user authentication and verification algorithms at col. 15, line 33 continuing to col. 16, line 47. Upparulu fails to explicitly teach the user authentication and verification process implements at least two voice authentication algorithms. However,

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implementation of two voice authentication algorithms in a user authentication or verification process was well known in the art.

In a similar field of endeavor, Talmor discloses a method for identifying a person's identity over a secured network comprising the step of establishing the identity of the user through at least two voice authentication algorithms, (see col. 3, line 5 continuing to col. 4, line 40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system to Upparulu to implement the at least two voice authentication algorithms processing of Talmor, for the purpose of establishing the identity of a speaker via voice authentication for authorized access that is more reliable and more efficient, as suggested by Talmor (col. 4, lines 36-40).

As per claim 2, Upparulu disclose a method wherein the data includes a voice-activated application, the navigation commands controlling execution of the application, (see Fig. 1, element 102 "Voice Web Site" and element 106 "Voice Web Browser"; col. 4, line 37 continuing to col. 5, line 2; col. 7, line 5 continuing to col. 9, line 2).

As per claim 3, Upparulu disclose a method wherein the user accesses the web site from at least one of a computer and a telephone, (see Fig. 1, element 102 "Voice Web Site" and element 106 "Voice Web Browser"; col. 4, line 37 continuing to col. 5, line 2; col. 7, line 5 continuing to col. 9, line 2, since this features are inherent to a method/system for accessing the Internet).

As per claim 4, Upparulu disclose a method comprising determining a language from the voice signals, (col. 16, line 49 continuing to col. 17, line 45).

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As per claim 5, Upparulu disclose a method further comprising utilizing artificial intelligence to interact with the user, (Figure 1, element 201 "Voice web service agents" col. 10, lines 14-18).

As per claim 6, Upparulu disclose a method wherein the selected data includes voice signals and is outputted to a telephone, (see Fig. 1, element 111 "telephone" element 102 "Voice Web Site" and element 106 "Voice Web Browser"; col. 4, line 37 continuing to col. 5, line 2; col. 7, line 5 continuing to col. 9, line 2).

4. As per claims 7-12, 13-18, 19-33, Claims 7-12, 13-18 and 19-33 are similar in scope and content to claims 1-6 rejected above, therefore claims 7-12, 13-18, 19-33 are rejected under the same rationale.

Response to Arguments

5. Applicant's arguments filed December 10, 2004, have been fully considered but they are not persuasive.

Applicant argues and traverses the rejections on the grounds that the Examiner has not established a prima facie case of obviousness. The Examiner cannot concur. Regarding the criteria that must be met to establish a prima facie case of obviousness, the Examiner contends the rejection of claims 1-33 based on the combination of Uppaluru and Talmor meet the three basic criteria and therefore the rejection is proper. Talmor specifically teaches the advantages and desirability of implementing a method for identifying a person's identity over a secured network comprising the step of establishing the identity of the user through at least two voice authentication algorithms for the purpose of establishing the identity of a speaker via voice

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authentication for authorized access that is more reliable and more efficient. Further, the Examiner contends one of ordinary skill would clearly recognize the advantages and would reasonably expect the implementation of the authentication system of Talmor in the system of Uppaluru to make the system more reliable and efficient, as Talmor specifically cites these advantages of the system. Additionally, the combined teachings of the systems and methods of Uppaluru and Talmor provide adequate support for the methods, structures and components of the claim recitations of claims 1-33. Thus, the rejection is proper and meets the three criteria to establish a prima facie case of obviousness.

Applicant argues the Examiner has given no reason why these two particular references, Uppaluru and Talmor, would be selected over any other possible references, and why they suggest precisely the solution to the problem that Applicants have invented. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Talmor specifically teaches the advantages and desirability of implementing a method for identifying a person's identity over a secured network comprising the step of establishing the identity of the user through at least two voice authentication algorithms for the purpose of establishing the identity of a speaker via voice authentication for authorized access that is more reliable and more efficient. The Examiner argues the fact that the combination of the references

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may or may not also suggest other modifications or improvements which would flow naturally from following the suggestions of Talmor and/or Uppaluru does not make the claims patentable over the combination of the references, since the references specifically teach the recitations and specifically suggests advantages and motivations for combining.

Applicant argues the present rejection is improper because the rejection does not explain why the particular claimed solution, rather than several possibilities are suggested. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding claims 4, 10, and 16, Applicant argues Uppaluru does not teach the limitations of claim 4 because the words "language" and "foreign language" do not appear in the cited passages. Applicant is referred to col. 17, lines 22-24, in which Uppaluru teaches using knowledge of the language to aid in the recognition process, which necessarily requires some determining of the user's language.

Regarding claims 19-33, applicant argues there is no prima facie case of obviousness against the claims and therefore the claims are allowable. The Examiner cannot concur. As indicated in the rejection, claims 19-33 are similar in scope and content to claims 1-6 and where rejected under similar rationale. The Examiner contends the teachings of the system and methods of Upparulu and Talmor provide support for the structures and components of the

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claims. Upparulu and Talmor were cited for providing access to secured systems (including the Internet) by user authentication and identification via voice, which necessarily requires transducers, computer readable mediums, voice commands, recognizing voices, characterizing voice signals, storing user voice parameters, analog components, codec, processor, etc., for implementation of a system for voice navigation of the Internet and/or system access. Thus, the examiner contends the combination of the teachings Upparulu and Talmor provide support for the limitations of claims 19-33.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A Armstrong
Examiner
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AAA
May 31, 2005

Angela A. Armstrong